

NFL

CONCUSSION SETTLEMENT

IN RE: NATIONAL FOOTBALL LEAGUE PLAYERS' CONCUSSION INJURY LITIGATION
No. 2:12-md-02323 (E.D. Pa.)

NFL Concussion Settlement: Baseline Assessment Program

Clinician's Interpretation Guide Review and Update

Agenda

- Adjustments for retired players over the age of 69
- Evaluating functional impairment (CDR domains)
- Use of medical records or third-party affidavits
- Assessing performance validity
- Determining impairment level
- Other issues

Adjustments for retired players over age 69

- Two of the six Complex Attention tests do not have normative data for patients over age 69 (see footnote on page 5 of Clinician's Interpretation Guide).
 - For WAIS-IV Cancellation, substitute Trails A
 - For WAIS-IV Letter-Number Sequencing, substitute WMS-IV Symbol Span test
- Three of the ACS subtests of validity do not include normative data for patients over age 69 (see footnote on page 8 of Clinician's Interpretation Guide).
 - For retired players over age 69, use TOMM and MSVT as the primary effort tests
 - If these tests are suggestive of performance invalidity, also administer VSVT

Evaluating functional impairment (CDR domains)

- In order to qualify for a Level 1, 1.5, or 2 Neurocognitive Impairment, retired players must demonstrate functional impairment in the domains of Community Affairs, Home and Hobbies, and Personal Care generally consistent with:
 - Category 0.5 for Level 1 Neurocognitive Impairment
 - Category 1 for Level 1.5 Neurocognitive Impairment
 - Category 2 for Level 2 Neurocognitive Impairment
- Any collateral informant (apart from a legal representative) who accompanies the retired player should be consulted when evaluating functional impairment.
- The link to a CDR worksheet with guidance for review of these three domains can be found at the bottom of page 6 of the Clinician's Interpretation Guide.

Use of medical records or third-party affidavits

- For diagnoses of Level 1.5 and 2 Neurocognitive Impairment, the neuropsychologist's functional impairment findings must be corroborated by documentary evidence (e.g., medical records or employment records).
- If documentary evidence does not exist or is not available, the neuropsychologist's findings of functional impairment must be corroborated by a sworn, third-party affidavit by someone other than the retired player or a family member (see page 7 of the Clinician's Interpretation Guide for the definition of "family member").
- The neuropsychology report should refer to the sufficiency of these documents as corroboration of the neuropsychologist's findings of functional impairment.

Use of medical records or third-party affidavits

- Retired players who do not bring these documents to their neuropsychology visit should be asked to submit them within two weeks of their appointment. Those who fail to submit these documents will not qualify for a diagnosis of Level 1.5 or 2 Neurocognitive Impairment.
- A template for the third-party affidavit can be found on the Settlement Website (nflconcussionsettlement.com – see next slide for location of form).
- While this form is not required, it is designed to guide individuals who are completing the affidavit on the subject matter to be covered.
- The Clinician's Interpretation Guide has been updated to emphasize the requirement that Qualified BAP Provider neuropsychologists address these documents for retired players receiving a Level 1.5 or 2 Neurocognitive Impairment diagnosis.

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Affidavit Form

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Forms

Click the links below to view, download or print these forms:

Registration Materials:

- [Registration Form](#)
- [Registration Form Instruction Booklet](#)
- [Opt Out/Revocation Request Form](#)
- [Sworn Statement in Support of Challenge to Registration Determination \(SWS-1\)](#)

Centralized Process for Representative Claimant Appointment:

- [Documents Required for Appointment of Representative Claimant](#)
- [Petition for Appointment of Representative Claimant](#)
- [Proposed Representative Claimant Declaration for a Deceased Retired NFL Football Player](#)
- [Proposed Representative Claimant Declaration for a Legally Incapacitated or Incompetent Retired NFL Football Player](#)
- [Instructions for Representative Claimants on Completing the Centralized Process Forms](#)

Monetary Awards for Retired NFL Football Players and Representative Claimants:

- [Claim Form for Retired NFL Football Players and Representative Claimants](#)
- [Instructions for Completing the NFL Concussion Settlement Claim Form](#)
- [Monetary Award Claim Package HIPAA Authorization Form](#)
- [MAF Diagnosing Physician Certification Form](#)
- [Pre-Effective Date Diagnosing Physician Certification Form](#)
- [MAF Claim Package Kit \(all of 1-5 in one set\)](#)
- [Diagnosing Physician Sworn Statement: Inability to Provide a Diagnosing Physician Certification for a Deceased Retired NFL Football Player Without Medical Records \(SWS-2\)](#)
- [Third-Party Sworn Statement: Functional Impairment \(SWS-3\)](#)
- [Sworn Statement by Retired NFL Football Player: Reasons for No Objective Evidence of Eligible Season\(s\) \(SWS-4\)](#)

Derivative Claimant Awards:

- [Derivative Claimant Form](#)



Assessment of performance validity

- All neuropsychology reports should:
 - Review the Slick Criteria
 - Make a statement about overall validity based on the neuropsychologist's clinical judgment

Determining impairment level

- Injury definitions are now included on pages 20 – 22 of the Clinician's Interpretation Guide.
- In order to qualify for a specific impairment level, retired players must meet all the criteria for that level.
- Retired players who meet the criteria for more than one impairment level should be assigned the lower level (i.e., the level at which the player meets all criteria).
- Level 1.5 and 2 Neurocognitive Impairment criteria include sufficient documentary evidence or sworn, third-party affidavit to corroborate findings of function impairment in Community Affairs, Home and Hobbies, and Personal Care. This requirement should always be addressed for retired players receiving Level 1.5 or 2 Neurocognitive Impairment diagnoses.

Other issues

- Causation is not a requirement for any impairment level, with the following exceptions:
 - Inadequate effort disqualifies retired players from being diagnosed with a Level 1, 1.5, or 2 Neurocognitive Impairment.
 - Cognitive deficits occurring exclusively in the context of a delirium, acute substance abuse, or as a result of medication side effects disqualifies retired players from being diagnosed with a Level 1, 1.5, or 2 Neurocognitive Impairment.
- Clinical findings apart from BAP-defined impairment levels should be addressed in the provider's report, but never in a way that appears to link those findings with the BAP-defined impairment level.
- At a minimum, raw scores and T scores should be reported for the five relevant domains of the neuropsychological battery.